

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

LINDA ROLLINS	*	CIVIL ACTION NO. 08-0387
VERSUS	*	JUDGE JAMES
ST. JUDE MEDICAL, ET AL.	*	MAGISTRATE JUDGE HAYES

ORDER

This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. When jurisdiction depends on citizenship, “citizenship must be ‘*distinctly and affirmatively* alleged.’” *Getty Oil, Div. Of Texaco v. Ins. Co. of North America*, 841 F.2d 1254, 1259 (5th Cir. 1988)(citation omitted)(emphasis in citing source). This rule requires “strict adherence.” *Id.* For purposes of diversity, the citizenship of a partnership or limited partnership is determined by each of its partners. *International Paper Co. v. Denkmann Associates*, 116 F.3d 134, 137 (5th Cir. 1997) (citation omitted) (partnership); *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853, 856 (5th Cir. 2003) (citation omitted) (limited partnership).

On April 9, 2008, the undersigned noted that removing defendants had not identified the citizenship of the partners that comprise Tyco Healthcare Group LP (“Tyco”). (April 9, 2008, Order [doc. # 11]). Accordingly, defendants were granted leave of court to file an amended notice of removal which established diversity jurisdiction. *See*, 28 U.S.C. §1653. On April 15, 2008, defendants filed an amended notice of removal which identified Tyco’s membership. (Amend. Notice of Removal [doc. # 12]). Although the notice set forth the citizenship of all the

corporations that comprise Tyco, it did not properly identify the citizenship of two partnerships, KHPC Holding GP and Ludlow Company LP, because the notice did not establish the citizenship of their members. *See, W W McC L L C v. Hangar Inc.*, 2007 WL 2693666 (W.D. La. Sept. 10, 2007) (citations omitted) (citizenship must be traced through however many layers of members there may be); *Picard v. Kirk Key Interlock Co., LLC*, 2008 WL 565465 (M.D. La. Feb. 27, 2008) (same); *see also, Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 586 n1, 124 S.Ct. 1920, 1932 (2004) (considered, without discussion, citizenship of members of an LLC that was a partner in a limited partnership).

Accordingly, within the next ten days from today, defendants are granted leave of court to file a second amended notice of removal which establishes diversity jurisdiction. *See*, 28 U.S.C. §1653. If defendants fail to so comply, or if subject matter jurisdiction is found to be lacking, then the matter will be remanded to state court.

IT IS SO ORDERED.

THUS DONE AND SIGNED at Monroe, Louisiana, this 16th day of May, 2008.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE